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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO./TITLE |
|--------------------|---------------------|-----------------------|---------------------------|
| 9/313,335 | 05/20/99 | WALSH | M 6927,0001-01 |

0232/0624
FENNIGAN HENDERSON FARABOW
& DUNNER LLP
1300 I STREET NW
WASHINGTON DC 20005



NOT ASSIGNED

2838

DATE MAILED:

#3
06/24/99

NOTICE TO FILE MISSING PARTS OF APPLICATION
Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the **SURCHARGE** set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this **NOTICE** to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a
☐ Small entity (statement filed) ☒ non-small entity is \$ 130

- ☐ 1. The statutory basic filing fee is:
☐ missing.
☐ insufficient.

Applicant must submit \$_____ to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

- ☐ 2. The following additional claims fees are due:

\$_____ for _____ total claims over 20.

\$_____ for _____ independent claims over 3.

\$_____ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

- ☒ 3. The oath or declaration:

☒ is missing or unsigned.

☐ does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

- ☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

- ☒ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

- ☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(b)).

- ☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

- ☐ 8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.52(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

- ☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the reply.

D. Bates

Customer Service Center
Initial Patent Examination Division (703) 308-1202

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REISSUE APPLICATION
Attorney Docket No. 6927.0001-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of:)

U.S. Patent No.: 5,630,755)

Inventor: Michael Walsh et al.)

Serial No.: 09/313,335)

Filed: May 20, 1999)

For: **SOFT COUNT TRACKING
SYSTEM**)

Group Art Unit: 2838

Examiner: Unassigned



BOX MISSING PARTS

Assistant Commissioner for Patents
Washington, D.C. 20231

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION
AND
PETITION UNDER 37 C.F.R. § 1.47(a) TO FILE REISSUE DECLARATION AND
POWER OF ATTORNEY WITHOUT EXECUTION BY ALL JOINT INVENTORS**

In response to the Notice to File Missing Parts of Application dated June 24, 1999, Global Payment Technologies (GPT) hereby submits a petition to have the attached reissue declaration/power of attorney accepted for filing in the above-identified application. Also attached are the \$130 petition fee required under 37 C.F.R. § 1.17(i), a copy of the Notice To File Missing Parts, and the required missing parts fee of \$130. In addition, applicants hereby request a two month extension of time to respond to the

LAW OFFICES

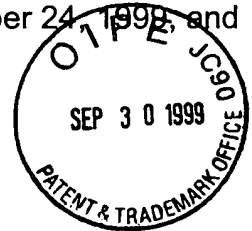
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WASHINGTON, DC 20005
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340.00 DP

Notice to File Missing Parts, to extend the time to respond to October 24, 1999, and enclose the requisite fee of \$380.



PETITION

GPT, the assignee of the present invention, hereby petitions the Commissioner of Patents and Trademarks under 37 C.F.R. § 1.47(a) to accept the filing of the attached reissue declaration/power of attorney. The reissue declaration is signed by three of the four original inventors. The fourth inventor, Michael Walsh, has refused to sign the declaration. The requested relief is necessary to avoid prejudicing GPT's rights in and to the patent identified above. A detailed explanation of the circumstances surrounding Mr. Walsh's refusal are provided below and in the accompanying papers.

As provided for in 37 C.F.R. § 1.47(a), "[i]f a joint inventor refuses to join in an application for patent . . . , the application may be made by the other inventor on behalf of himself or herself and the nonsigning inventor. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, the fee set forth in § 1.17(i) and the last known address of the nonsigning inventor."

On May 20, 1999, Applicants filed the above-identified reissue application in the U.S. Patent and Trademark Office. The reissue application was believed to be complete in all respects except that it was filed, as permitted, without the reissue declaration. Upon receipt of the Notice to File Missing Parts, a combined declaration and power of attorney was prepared for signature by the four named inventors. One of those named inventors, Michael Walsh, has refused to sign the declaration because of

a compensation dispute with his former employer, GPT, who is the current assignee of this reissue application. Despite repeated attempts by an attorney in the undersigned's firm and an officer of GPT, Mr. Walsh has refused to sign.

More specifically, a reissue declaration and power was prepared and sent to Mr. Walsh on July 2, 1999 for execution. See McGurk Declaration, ¶ 2 (Exhibit A). On at least three occasions, we attempted to contact without success Mr. Walsh. Id., ¶ 3. To date, Mr. Walsh has not returned the declaration. Id.

Mr. Seidenberg, President and COO of GPT, called Mr. Walsh in late July 1999 and attempted to get Mr. Walsh to sign the declaration and power, also without success. See Seidenberg Declaration, ¶ 4 (Exhibit B). Mr. Walsh informed Mr. Seidenberg that he would not sign any documents until GPT resolved a compensation dispute with him. Id. According to Mr. Seidenberg, however, the issue has been resolved and concluded, and no further offers or negotiations are expected. Id. Accordingly, Mr. Walsh is not expected to sign any documents relating to this application, including the attached declaration, which has been signed by the remaining inventors.

Mr. Walsh's last known address is 22 Travis Road, E. Patchogue, NY 11772.

In order to preserve GPT's rights in its claimed invention, and to avoid further surcharge fees, GPT is filing this petition to have the accompanying reissue declaration, executed by three of the four named inventors, accepted on behalf of the nonsigning inventor Mr. Walsh. See M.P.E.P. § 409.03(a). For all of the above reasons,

applicants request that the petition be granted and the accompanying reissue declaration accepted.

Please grant any extension of time required to enter this response and petition, and charge any additional, required fees to deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER



By: _____

Michael R. McGurk
Reg. No. 32,045

Dated: September 30, 1999